

ORDINANCE No. 111244

COUNCIL BILL No. 103779

AN ORDINANCE establishing a Pioneer Square Parking and Business Improvement Area; providing for the levy of special assessments upon businesses within the area, the deposit of revenues in a special fund, and expenditures therefrom; providing for an implementing agreement with the Historic Seattle Preservation Development and Authority; and making a reimbursable appropriation therefor.

7-21-85

COMPTROLLER FILE No.

Introduced:	JUL 18 1983	By:	RICE
Referred:	JUL 18 1983	To:	
Referred:		To:	
Referred:		To:	
Reported:	JUL 25 1983	Second Reading:	JUL 25 1983
Third Reading:	JUL 25 1983	Signed:	JUL 25 1983
Presented to Mayor:	JUL 26 1983	Approved:	AUG 2 1983
Returned to City Clerk:	AUG 2 1983	Published:	
Vetoed by Mayor:		Veto Published:	
Passed over Veto:		Veto Sustained:	



103779

Law Department

The City of Seattle--Legislat

REPORT OF COMMITTEE

Honorable President:

Your Committee on

finance

to which was referred the within Council Bill No. 103779
report that we have considered the same and respectfully recom

Pass

REC'D OMB JUL 26 1983

[Signature]
Committee Chair

103779

Law Department

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

Honorable President:

Your Committee on

finance

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report that we have considered the same and respectfully recommend that the same:

Pass

REC'D OMB JUL 26 1983

JUL 25 1983

JUL 25 1983

JUL 2 1983

[Signature]
Committee Chair

(UNIVERSAL 3-21943)



111244

✓ LIGHT HEALTH
✓ ENG PARKS
✓ DCU L & CA
✓ LAW

ORDINANCE 111244

1 AN ORDINANCE establishing a Pioneer Square Parking and Business
2 Improvement Area; providing for the levy of special
3 assessments upon businesses within the area, the deposit
4 of revenues in a special fund, and expenditures therefrom;
5 providing for an implementing agreement with the Historic
6 Seattle Preservation Development and Authority; and making
7 a reimbursable appropriation therefor.

8 WHEREAS, the owners and/or operators of businesses subject to
9 sixty percent or more of the special assessments levied by
10 this ordinance filed a petition with The City of Seattle to
11 establish a Parking and Business Improvement Area pursuant
12 to RCW Chapter 35.87A, which is filed in C.F. 292469, and
13 pursuant thereto, the City Council adopted a Resolution,
14 entitled "Declaring an intention to establish a Pioneer
15 Square Parking and Business Improvement Area; and fixing a
16 date and place for a hearing thereon."; and

17 WHEREAS, as provided by Resolution 26887 (published in the
18 Daily Journal of Commerce, May 9, 1983), the City Council
19 Finance Committee held a public hearing thereon on Thursday
20 May 5, 1983 at 9:30 a.m. in the City Council Chambers,
21 11th floor, Seattle Municipal Building, Seattle. At the
22 conclusion of the hearing, the City Council voted to
23 establish the area as proposed in the petition; Now,
24 Therefore,

25 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

26 Section 1. District Established. As authorized by RCW
27 Chapter 35.87A, there is hereby established a Pioneer Square
28 Parking and Business Improvement Area within the boundaries
described below and as shown on the map attached as Exhibit "A".
(When a street or alley is named, the area boundary is the
centerline of the right-of-way):

CHERRY STREET from First Avenue to the alley of
BLOCK 5, Boren and Denny's Addition

ALLEY OF BLOCK 5, Boren and Denny's Addition, from
Cherry Street to James Street

JAMES STREET from the alley of BLOCK 5, Boren and
Denny's Addition, to Yesler Way

YESLER WAY from its intersection with James Street
to the Second Avenue Extension South

1 SECOND AVENUE EXTENSION SOUTH from the alley of
2 BLOCK 15, D. S. Maynard's Plat along the alley line of
3 BLOCK 14, D. S. Maynard's Plat, to South Jackson Street

4 SOUTH JACKSON STREET from the alley of BLOCK 14,
5 D. S. Maynard's Plat to Second Avenue South

6 SECOND AVENUE SOUTH from South Jackson to South
7 King Street

8 SOUTH KING STREET from Second Avenue South to the
9 alley of BLOCK 4, D. S. Maynard's Plat

10 Along the alley line of BLOCKS 4, 3, 2, 1 of
11 D. S. Maynard's Plat to Yesler Way

12 YESLER WAY from the alley of BLOCK 1 of D. S.
13 Maynard's Plat to First Avenue

14 FIRST AVENUE from Yesler Way to Cherry Street

15 Along with the sidewalks and street areas adjoining
16 Lot 14 of BLOCK 194, Seattle Tide Lands, as well as
17 Lots 7-13 of BLOCK 196, Seattle Tide Lands

18 Businesses within the Pioneer Square Parking and Business
19 Improvement Area shall be subject to special assessments
20 authorized by RCW 35.87A.010.

21 Section 2. Special Assessments. To finance the activities
22 authorized in Section 3, there is levied and shall be collected
23 a special assessment upon the businesses in the area, determined
24 as follows:

- 25 A. Upon persons engaged within the area in the making of
26 sales at retail as defined in Seattle Municipal Code
27 Section 5.44.030C, a special assessment equal to the
28 gross proceeds of such sales multiplied by the rate of
One Dollar per Thousand Dollars; (\$1.00 per \$1,000;
one mil or 0.1%) and

1 B. Upon all other persons engaged in business in the area,
2 unless exempted in the next paragraph of this Section,
3 a special assessment equal to the gross income of the
4 business multiplied by the rate of Twenty five cents
5 per Thousand Dollars (0.25 per \$1,000 or 0.025%).

6 C. The total assessment upon any business within the area
7 shall not exceed \$1,000 per annum.

8 Special Assessments shall be made under each applicable
9 classification but any transaction considered in computing the
10 gross proceeds of sales under subsection A shall not again be
11 considered in calculating the gross income of the business under
12 subsection B.

13 No special assessments shall be levied upon and collected
14 from:

- 15 (1) Organizations to which a charitable contribution may
16 be made under the United States Internal Revenue Code,
17 26 USC S 170(c);
- 18 (2) Sponsors of public events, and vendors or enter-
19 tainers, who engage in business activities in the area
20 for less than 30 days in aggregate per year;
- 21 (3) Persons, who have no business location in the area and
22 generate income or gross receipts from within the area
23 only from making sales to or providing services to
24 businesses located within the area rather than doing
25 business with the public.
- 26 (4) Governmental agencies.

27 Insofar as consistent with this ordinance and RCW Chapter
28 35.87A, special assessments shall be collected at the same

1 time and in the same manner as the City's Business Tax levied
2 by Seattle Municipal Code ("SMC") Chapter 5.44. The terms
3 "gross proceeds of sales" and "gross income of the business"
4 shall have the meanings in SMC § 5.44.010; the determinations
5 of value (SMC § 5.44.060), the exemptions (SMC § 5.44.010-.100),
6 the deductions (SMC § 5.44.110), and the principles of
7 apportionment (SMC § 5.44.070-.078) apply in calculating each
8 amount.

9 Section 3. Deposit and Use of Revenues. There is hereby
10 established in the City Treasury a separate Fund, designated
11 the Business Improvement Area Fund (called "the Fund") and
12 within the fund, a Pioneer Square Account. The following
13 monies shall be deposited in the Fund for the Pioneer Square
14 Account.

- 15 (a) All revenues from special assessments levied under this
16 ordinance;
17 (b) All net income to the City from public events financed with
18 special assessments;
19 (c) Gifts and donations for the Account; and
20 (d) Interest and all other income from the investment of
21 Account cash balances over outstanding amounts due to
22 other city funds.

23 Expenditures from the Fund shall be made upon vouchers
24 drawn by the Director of Community Development for uses within
25 the general scope of:

- 26 (1) Decorating public places (such as planting flowers and
27 area beautification)
28

- (2) Conducting public events (such as sponsoring festivals and holiday activities).
- (3) Promoting retail trade activities (such as advertising, sweeping, trash collection and minor repairs to improve the area and make it more inviting).
- (4) Assisting the business community in its relations with people in need in public places.

The examples in parentheses illustrate the type of activities authorized; the examples are not all-inclusive.

Section 4. Administration. The Director of Community Development shall initially contract with the Historic Seattle Preservation and Development Authority, to manage all or part of the projects and activities undertaken.

After consultation with the established committee of rate payers, the contractor(s) shall submit to the Director of Community Development, on or before March 31 of each year, an annual report of the projects and activities conducted during the previous year and the proposed budget for the ensuing calendar year. The Director's comments relative to the Annual Report and proposed budget shall accompany the Director's submission to the City Budget Director, and the Mayor's recommended budget to the City Council. If the Director recommends changes in assessment rates, district boundaries, or the contractor during the initial contract period, the Director shall consult with the established committee of rate payers. The Director of Community Development shall then arrange for a public hearing thereon before the City Council and publish notice.

1 The Director of Community Development shall provide a
2 financial report on the status of the Business Improvement
3 Area Fund and each account, on a quarterly basis.

4 Section 5. Collection of Special Assessments. The
5 Director of Community Development shall bill and the Treasurer
6 shall receive the special assessments due. The Director shall
7 provide for allocation for special assessment purposes of the
8 gross receipts of businesses with offices or stores within the
9 area and also elsewhere within the City. Assessments upon a
10 utility taxed pursuant to municipal Code Chapter 5.48 will be
11 measured by the gross income of services originating at an
12 office within the area, which is considered in computing City
13 taxes due under Seattle Municipal Code Chapter 5.44.

14 The following sections of the Seattle Municipal Code
15 relating to the Seattle Business Tax shall apply to collection
16 of special assessments:

17	SMC §	5.44.210	Over or under payment
18		5.44.220	Failure to make return
19		5.44.230	Appeals
20		5.44.240	Director to make rules
21		5.44.250	Mailing of notices
22		5.44.270	Fee additional
23		5.44.280	Collection of delinquent fee or tax

24 The Director of Licenses and Consumer Affairs is specifically
25 authorized to bring an action to collect any unpaid assessments
26 in the Seattle Municipal Court as a civil action.
27
28

1 Section 6. Interest on Delinquent Assessments.

2 Delinquent special assessments shall bear interest at the
3 twelve percent (12%) per annum.

4 Section 7. Interim Appropriation. To provide for expendi-
5 tures authorized in Section 3 as recommended by the Mayor and
6 the Director of Community Development, the sum of Thirty
7 Thousand Dollars (\$30,000), or so much thereof as may be
8 necessary is hereby appropriated from the General Fund, to be
9 reimbursed unless the City's 1984 Budget provides otherwise
10 from the Business Improvement Area Fund with revenues from
11 special assessments no later than December 31, 1983. Upon
12 vouchers drawn by the Director of Community Development, the
13 City Comptroller is authorized to draw and the City Treasurer
14 to pay the necessary warrants, and to make the appropriate
15 transfers.

16 Section 8. Commencement of Assessments. Assessments shall
17 commence as of September 1, 1983.

18 Section 9. Ratification. The execution of a contract with
19 the Historic Seattle Preservation and Development Authority to
20 inaugurate the program and manage the projects and activities
21 during the initial implementation period pursuant to the
22 authority and prior to the effective date of this ordinance
23 is hereby ratified and confirmed.
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(To be used for all Ordinances except Emergency.)

Section 10. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 25th day of July, 1983,
and signed by me in open session in authentication of its passage the 25th day of July, 1983.

President Pro Tem of the City Council.

Approved by me this 2nd day of August, 1983.

Filed by me this 2nd day of August, 1983. Mayor.

Attest: Jim Hill
City Comptroller and City Clerk.

(SEAL)

Published _____

By J. Theresa Dunbar
Deputy Clerk.

ORDINANCE 111214

AN ORDINANCE establishing a Pioneer Square Parking and Business Improvement Area; providing for the levy of special assessments upon businesses within the area, the deposit of revenues in a special fund, and expenditures therefrom; providing for an implementing agreement with the Historic Seattle Preservation Development Authority; and making a reimbursable appropriation therefor.

WHEREAS, the owners and/or operators of businesses subject to sixty percent or more of the special assessments levied by this ordinance filed a petition with The City of Seattle to establish a Parking and Business Improvement Area pursuant to RCW Chapter 35.87A, which is filed in C.F. 292469, and pursuant thereto, the City Council adopted a resolution, entitled "Declaring an intention to establish a Pioneer Square Parking and Business Improvement Area; and fixing a date and place for a hearing thereon," and

WHEREAS, as provided by Resolution 26887 (published in the Daily Journal of Commerce, May 5, 1983), the City Council Finance Committee held a public hearing thereon on Thursday May 5, 1983 at 9:30 a.m. in the City Council Chambers, 11th floor, Seattle Municipal Building, Seattle. At the conclusion of the hearing, the City Council voted to establish the area as proposed in the petition; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. District Established. As authorized by RCW Chapter 35.87A, there is hereby established a Pioneer Square Parking and Business Improvement Area within the boundaries described below and as shown on the map attached as Exhibit "A" (when a street or alley is named, the area boundary is the centerline of the right-of-way):

CHERRY STREET from First Avenue to the alley of BLOCK 5, Boren and Denny's Addition

ALLEY OF BLOCK 5, Boren and Denny's Addition, from Cherry Street to James Street

JAMES STREET from the alley of BLOCK 5, Boren and Denny's Addition, to Yesler Way

YESLER WAY from its intersection with James Street to the Second Avenue Extension South

SECOND AVENUE EXTENSION SOUTH from the alley of BLOCK 15, D. S. Maynard's Plat, along the alley line of BLOCK 14, D. S. Maynard's Plat, to South Jackson Street

SOUTH JACKSON STREET from the alley of BLOCK 14, D. S. Maynard's Plat to Second Avenue South

SECOND AVENUE SOUTH from South Jackson to South King Street

SOUTH KING STREET from Second Avenue South to the alley of BLOCK 4, D. S. Maynard's Plat

Along the alley line of BLOCKS 4, 3, 2, 1 of D. S. Maynard's Plat to Yesler Way

YESLER WAY from the alley of BLOCK 1 of D. S. Maynard's Plat to First Avenue

FIRST AVENUE from Yesler Way to Cherry Street

Along with the sidewalks and street areas adjoining Lot 14 of BLOCK 124, Seattle Tide Lands, as well as Lots 7-13 of BLOCK 195, Seattle Tide Lands

Businesses within the Pioneer Square Parking and Business Improvement Area shall be subject to special assessments authorized by RCW 35.87A.010.

Section 2. Special Assessments. To finance the activities authorized in Section 3, there is levied and shall be collected a special assessment upon the businesses in the area, determined as follows:

- A. Upon persons engaged within the area in the making of sales at retail as defined in Seattle Municipal Code Section 5.44.030C, a special assessment equal to the gross proceeds of such sales multiplied by the rate of One Dollar per Thousand Dollars (\$1.00 per \$1,000; one mil or 0.14) and
- B. Upon all other persons engaged in business in the area, unless exempted in the next paragraph of this Section, a special assessment equal to the gross income of the business multiplied by the rate of Twenty five cents per Thousand Dollars (0.25 per \$1,000 or 0.025%).
- C. The total assessment upon any business within the area shall not exceed \$1,000 per annum.

Special Assessments shall be made under each applicable classification but any transaction considered in computing the gross proceeds of sales under subsection A shall not again be considered in calculating the gross income of the business under subsection B.

No special assessments shall be levied upon and collected from:

- (1) Organizations to which a charitable contribution may be made under the United States Internal Revenue Code, 21 USC § 170(e);
- (2) Sponsors of public events, and vendors or entertainers, who engage in business activities in the area for less than 30 days in aggregate per year;
- (3) Persons, who have no business location in the area and

generate income or gross receipts from within the area only from making sales to or providing services to businesses located within the area rather than doing business with the public.

(4) Governmental agencies.

Insofar as consistent with this ordinance and RCW Chapter 35.87A, special assessments shall be collected at the same time and in the same manner as the City's Business Tax levied by Seattle Municipal Code ("SMC") Chapter 5.44. The terms "gross proceeds of sales" and "gross income of the business" shall have the meanings in SMC § 5.44.010; the determinations of value (SMC § 5.44.060), the exemptions (SMC § 5.44.010-.100), the deductions (SMC § 5.44.110), and the principles of apportionment (SMC § 5.44.070-.078) apply in calculating each amount.

Section 3. Deposit and Use of Revenues. There is hereby established in the City Treasury a separate Fund, designated the Business Improvement Area Fund (called "the Fund") and within the fund, a Pioneer Square Account. The following monies shall be deposited in the Fund for the Pioneer Square Account.

- (a) All revenues from special assessments levied under this ordinance;
- (b) All net income to the City from public events financed with special assessments;
- (c) Gifts and donations for the Account; and
- (d) Interest and all other income from the investment of Account cash balances over outstanding amounts due to other city funds.

Expenditures from the Fund shall be made upon vouchers drawn by the Director of Community Development for uses within the general scope of:

- (1) Decorating public places (such as planting flowers and area beautification)
- (2) Conducting public events (such as sponsoring festivals and holiday activities).
- (3) Promoting retail trade activities (such as advertising, sweeping, trash collection and minor repairs to improve the area and make it more inviting).
- (4) Assisting the business community in its relations with people in need in public places.

The examples in parentheses illustrate the type of activities authorized; the examples are not all-inclusive.

Section 4. Administration. The Director of Community Development shall initially contract with the Historic Seattle Preservation and Development Authority, to manage all or part of the projects and activities undertaken.

After consultation with the established committee of rate payers, the contractor(s) shall submit to the Director of Community Development, on or before March 31 of each year, an annual report of the projects and activities conducted during the previous year and the proposed budget for the ensuing calendar year. The Director's comments relative to the Annual Report and proposed budget shall accompany the Director's submission to the City Budget Director, and the Mayor's recommended budget to the City Council. If the Director recommends changes in assessment rates, district boundaries, or the contractor during the initial contract period, the Director shall consult with the established committee of rate payers. The Director of Community Development shall then arrange for a public hearing thereon before the City Council and publish notice.

The Director of Community Development shall provide a financial report on the status of the Business Improvement Area Fund and each account, on a quarterly basis.

Section 5. Collection of Special Assessments. The Director of Community Development shall bill and the Treasurer shall receive the special assessments due. The Director shall provide for allocation for special assessment purposes of the gross receipts of businesses with offices or stores within the area and also elsewhere within the City. Assessments upon a

utility taxed pursuant to Municipal Code Chapter 5.48 will be measured by the gross income of services originating at an office within the area, which is considered in computing City taxes due under Seattle Municipal Code Chapter 5.44.

The following sections of the Seattle Municipal Code relating to the Seattle Business Tax shall apply to collection of special assessments:

- SMC § 5.44.210 Over or under payment
5.44.220 Failure to make return
5.44.230 Appeals
5.44.240 Director to make rules
5.44.250 Mailing of notices
5.44.270 Fee additional
5.44.280 Collection of delinquent fee or tax

The Director of Licenses and Consumer Affairs is specifically authorized to bring an action to collect any unpaid assessments in the Seattle Municipal Court as a civil action.

Section 6. Interest on Delinquent Assessments.

Delinquent special assessments shall bear interest at the twelve percent (12%) per annum.

Section 7. Interim Appropriation. To provide for expenditures authorized in Section 3 as recommended by the Mayor and the Director of Community Development, the sum of Thirty Thousand Dollars (\$30,000), or so much thereof as may be necessary is hereby appropriated from the General Fund, to be reimbursed unless the City's 1984 Budget provides otherwise from the Business Improvement Area Fund with revenues from special assessments no later than December 31, 1983. Upon vouchers drawn by the Director of Community Development, the City Comptroller is authorized to draw and the City Treasurer to pay the necessary warrants, and to make the appropriate transfers.

Section 8. Commencement of Assessments. Assessments shall commence as of September 1, 1983.

Section 9. Ratification. The execution of a contract with the Historic Seattle Preservation and Development Authority to inaugurate the program and manage the projects and activities during the initial implementation period pursuant to the authority and prior to the effective date of this ordinance is hereby ratified and confirmed.

Section 10. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the City charter.

Passed by the City Council the 15th day of July, 1983,
and signed by me in open session in ratification of its passage on the 15th day of July, 1983.

Approved by me this 8th day of August, 1983.

Filed by me this 2nd day of August, 1983.

Attest: Tim Hill
City Comptroller and City Clerk

(SEAL)

By: Theresa Dundas
Deputy Clerk

Publication ordered by TIM HILL, Comptroller and City Clerk.
Date of official publication in Daily Journal of Commerce, Seattle, August 4, 1983. (C-411)

C-411

Affidavit of Publication

STATE OF WASHINGTON KING COUNTY—SS.

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

Ordinance No. 111243

was published on August 4, 1983

E. Diester

Subscribed and sworn to before me on

August 4, 1983

J. M. Halyo
Notary Public for the State of Washington,
residing in Seattle.